

47  
1

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE: Monday, October 12, 2015**

**CASE NUMBER: C15-2015-0131**

☐ Y ☐ Brooke Bailey  
☐ Y ☐ Michael Benaglio  
☐ Y ☐ William Burkhardt - 2<sup>nd</sup> the Motion  
☐ N/A ☐ Eric Goff  
☐ Y ☐ Vincent Harding  
☐ Y ☐ Melissa Hawthorne - Motion to PP to 11/9/15  
☐ Y ☐ Don Leighton-Burwell  
☐ Y ☐ Melissa Neslund  
☐ Y ☐ James Valadez  
☐ OUT ☐ Michael Von Ohlen

**OWNER/APPLICANT: Michael Padavic**

**ADDRESS: 900 & 902 S 1ST ST, 901 & 903 & 907 S 2<sup>ND</sup> STREET**

**VARIANCE REQUESTED:** The applicant has requested variance(s) along the 909 South 2nd Street neighboring side of the lot(s), no variances requested for the 908 South 1st Street neighboring side of the lot(s), to Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) of Article 10, Compatibility Standards:

A. (B) to decrease the distance that a structure can be constructed from property on which a use permitted in an SF-5 or more restrictive zoning district is located from 25 feet (required) to 0 feet (requested); and to

B. (C) to increase the maximum height limitation from 2 stories and 30 feet on the portion of the building that is 50 feet from SF-5 or more restrictive zoning and 3 stories and 40 feet on the portion of the building that is 50-100 feet from SF-5 or more restrictive zoning (required/permitted) to 4 stories and 45 feet (requested) in order to construct a multi-family use and related parking facility in an "GR-MU-V-CO-NP", Community Commercial – Mixed Use – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (Bouldin Creek)

**BOARD'S DECISION:** The public hearing was closed on Board Member Melissa Hawthorne motion to Grant Item A and Postpone Item B to October 12, 2015, Board Member Michael Benaglio second on a 7-0-1 vote (Board member William Burkhardt abstained); **GRANTED ITEM A AND POSTPONED ITEM B TO October 12, 2015; OCT 12, 2015 POSTPONED TO NOVEMBER 9, 2015 BY APPLICANT**

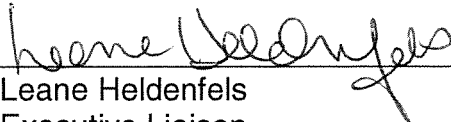
**FINDING:**

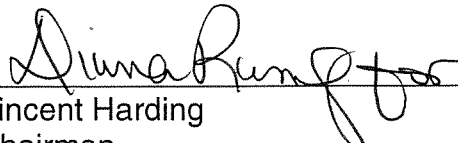
1. The Zoning regulations applicable to the property do not allow for a reasonable use because: would create a better access and fire safety for more than this property with road vacation that also occurred in same project
2. (a) The hardship for which the variance is requested is unique to the property in that: as this creates 2<sup>nd</sup> access point and making it more clearer and safer way for more than this project for adjacent properties as well

17  
2

(b) The hardship is not general to the area in which the property is located because: as the access easement with road vacation make a cleaner shot and chance to create traffic signal which is much needed

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: as by providing a clear access point actually creates some clarity where this is a lot of confusion, no name street on how everything comes together

  
\_\_\_\_\_  
Leane Heldenfels  
Executive Liaison

  
\_\_\_\_\_  
Vincent Harding  
Chairman

47  
3

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, September 14, 2015

**CASE NUMBER:** C15-2015-0131

☐ Y ☐ Brooke Bailey  
☐ Y ☐ Michael Benaglio **2<sup>nd</sup> the Motion**  
☐ A ☐ William Burkhardt (Abstained)  
☐ N/A ☐ Eric Goff  
☐ Y ☐ Vincent Harding (Chair)  
☐ Y ☐ Melissa Hawthorne (Vice-Chair) **Motion to Grant Item A and PP Item B**  
☐ Y ☐ Don Leighton-Burwell  
☐ OUT ☐ Melissa Neslund  
☐ Y ☐ James Valadez  
☐ Y ☐ Michael Von Ohlen

**OWNER/APPLICANT:** Michael Padavic

**ADDRESS:** 900 & 902 S 1ST ST, 901 & 903 & 907 S 2<sup>ND</sup> STREET

**VARIANCE REQUESTED:** The applicant has requested variance(s) along the 909 South 2nd Street neighboring side of the lot(s), no variances requested for the 908 South 1st Street neighboring side of the lot(s), to Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) of Article 10, Compatibility Standards:

A. (B) to decrease the distance that a structure can be constructed from property on which a use permitted in an SF-5 or more restrictive zoning district is located from 25 feet (required) to 0 feet (requested); and to

B. (C) to increase the maximum height limitation from 2 stories and 30 feet on the portion of the building that is 50 feet from SF-5 or more restrictive zoning and 3 stories and 40 feet on the portion of the building that is 50-100 feet from SF-5 or more restrictive zoning (required/permitted) to 4 stories and 45 feet (requested)

in order to construct a multi-family use and related parking facility in an "GR-MU-V-CO-NP", Community Commercial – Mixed Use – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (Bouldin Creek)

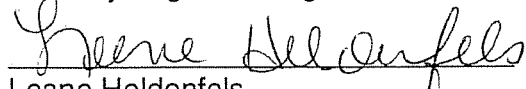
**BOARD'S DECISION:** The public hearing was closed on Board Member Melissa Hawthorne motion to Grant Item A and Postpone Item B to October 12, 2015, Board Member Michael Benaglio second on a 7-0-1 vote (Board member William Burkhardt abstained); **GRANTED ITEM A AND POSTPONED ITEM B TO October 12, 2015.**

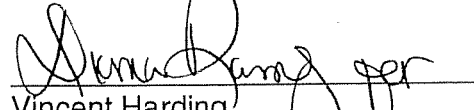
**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: would create a better access and fire safety for more than this property with road vacation that also occurred in same project
2. (a) The hardship for which the variance is requested is unique to the property in that: as this creates 2<sup>nd</sup> access point and making it more clearer and safer way for more than this project for adjacent properties as well

(b) The hardship is not ~~general~~ to the area in which the property is located because: as the access easement with road vacation make a cleaner shot and chance to create traffic signal which is much needed




3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: as by providing a clear access point actually creates some clarity where this is a lot of confusion, no name street on how everything comes together

  
Leane Heldenfels  
Executive Liaison

  
Vincent Harding  
Chairman

47  
4



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**NOTIFICATIONS**

CASE#: C15-2015-0131  
900 & 902 S 1ST STREET AND  
901, 903, & 907 S 2ND STREET

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made



1" = 267'

CASE# C15-205-0131  
ROW# 1395763  
TAX# 101847, 101849, 101850, 101852 ✓

17  
6

CITY OF AUSTIN TCAD 0102010813, 0102010811,  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE 0102010810, 0102010808

WARNING: Filing of this appeal stops all affected construction activity. *(Same maps as former case C15-2014-00)*

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: + 902 900 S. 1st Street, Austin, TX 78704 (+ 903, 907, 901 S. 2nd St)

LEGAL DESCRIPTION: Subdivision – Abe William Subdivision; Vol. 328, PG. 231-233 D.R.T.C.T.

Lot(s) 1-8 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Michael Padavic on behalf of myself/ourselves as authorized agent for

1st Street Highlands LP affirm that on July 7, 2015,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)

X ERECT    ATTACH    COMPLETE    REMODEL    MAINTAIN  
a mixed-use (office and multi-family residential) building with parking, a portion of which is in an area restricted by LDC Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) of Article 10, Compatibility Standards, which is being triggered by the use and zoning of the property at 909 S 2nd Street. We are requesting a variance to Section 25-2-1063 (B) to decrease the distance from 25 feet (required) to 0 feet (requested); Section 25-2-1063 (C) to increase the maximum height restriction from 2 stories and 30 feet and 3 stories and 40 feet (required) to 4 stories and 45 feet (requested).

in a GR-MU-V-CO-NP district. (Bouldin)  
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

19  
7

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

A new access easement and drive (via joint agreement with the owner of the adjacent property) that City Council and staff deemed a benefit to the city and neighborhood, was a required stipulation for approval of ROW vacations. A variance to Section 25-2-1063 (B) is required to allow the drive to be constructed. As the adjacent property will subsequently be developed to a higher density than the current configuration, a variance to Section 25-2-1063 (C) will allow the best use for the subject property, which is consistent with other applicable zoning regulations including Subchapter E, tree preservation and the current neighborhood plan.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

As a stipulation for approval of ROW vacations, City Council has required the construction of a road that is not possible with the existing compatibility regulations. In addition, existing topography and heritage trees on this particular site do not allow for another configuration of the proposed building that best adheres to the existing zoning regulations (including Subchapter E and tree preservation) and the neighborhood plan. With the drive in place, and more dense development planned for the adjacent property, Compatibility Standards are not appropriate.

- (b) The hardship is not general to the area in which the property is located because:

The neighborhood plan (and subsequent rezoning) allows for "mixed-use" along S. 1st Street, which could be further defined as more dense multi-family and office use. S. 1st Street may be characterized as having small office, restaurant or retail use. A conditional overlay for this property restricts the maximum height to 45' (from 65' per zoning regulations), restricting the placement of the building on the site. Additionally, the access easement and drive required by City Council is specific to this particular property.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The proposed use for the property is in line with the neighborhood plan, both in use and form, as well as desire future development for these lots specifically. Adherence to Compatibility Standards would require removal of heritage trees and would create a larger building form and facade, service as a departure from the neighborhood plan.

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

n/a

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

n/a

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

n/a

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

n/a

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_ Mail Address 2003 S. 1st Street

City, State & Zip Austin, TX 78704

Printed Michael Padavic Phone 512.289.1313 Date 7/7/15

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_ Mail Address 2003 S. 1st Street

City, State & Zip Austin, TX 78704

Printed Michael Padavic Phone 512.289.1313 Date 7/7/15

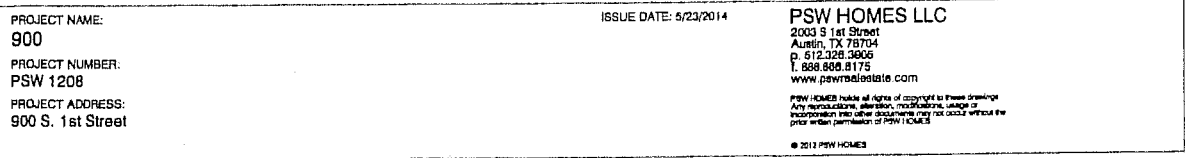


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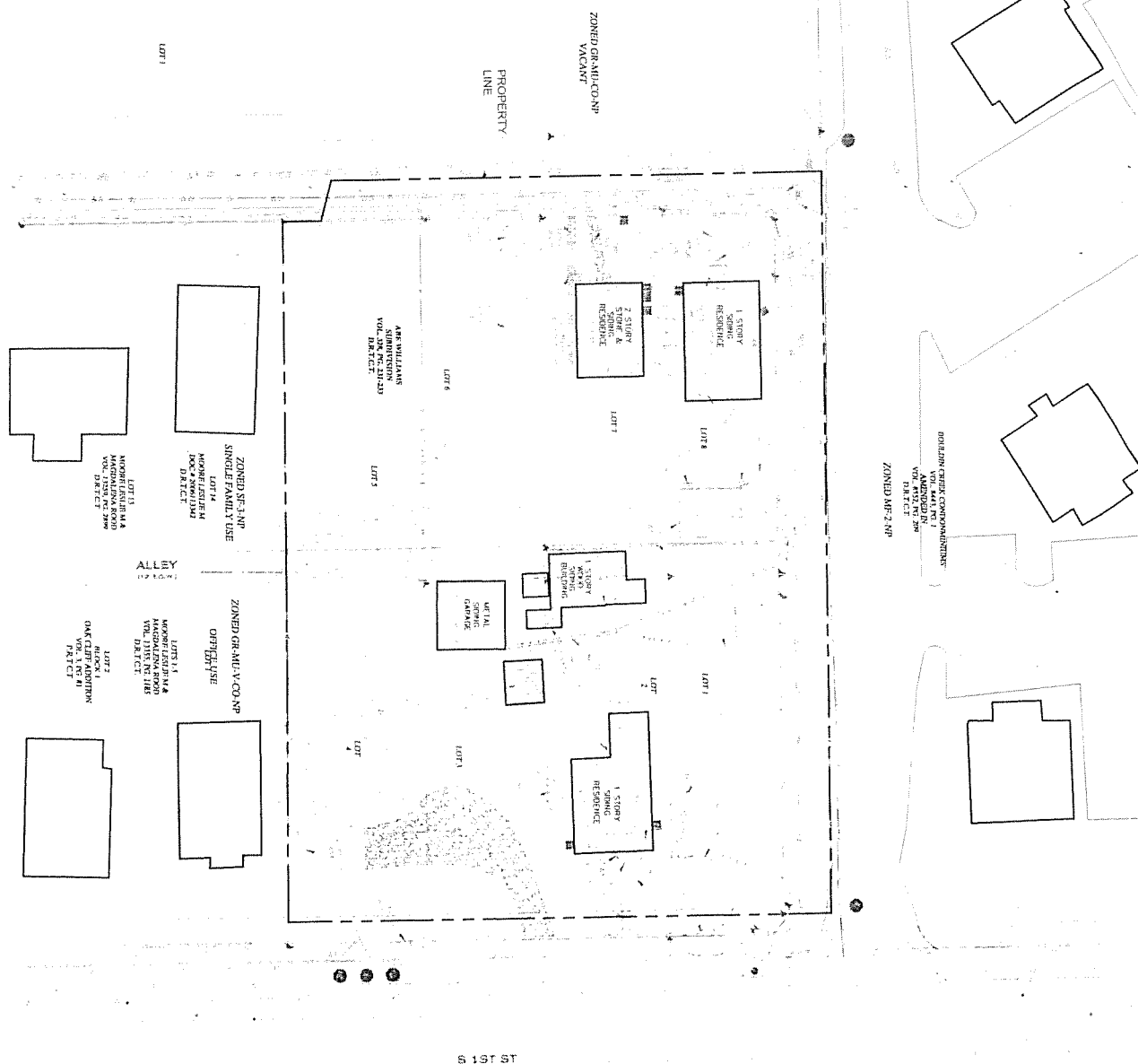
## PROPOSED SITE PLAN

1:40

NOTE: SITE PLAN INCLUDES ADJACENT PROPERTIES WITHIN 100'



EXISTING CONSTRUCTION  
1:40  
NOTE: SITE PLAN INCLUDES ADJACENT  
PROPERTIES WITHIN 100'



PROJECT NAME:  
900

PROJECT NUMBER:  
PSW 1208

PROJECT ADDRESS:  
900 S. 1st Street

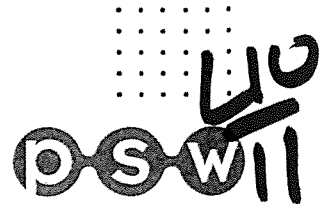
ISSUE DATE: 5/23/2014

**PSW HOMES LLO**  
2003 S 1st Street  
Austin, TX 78704  
p 512 326 3905  
f 888.866.8175  
[www.pswrealstate.com](http://www.pswrealstate.com)

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05-2015-0131



2003 S. 1ST  
AUSTIN, TX 78704

To Whom it May Concern:

The following documents are included as additional supporting documentation for Land Development Code variance request for 900 S. 1<sup>st</sup> Street:

1. Letter of Support from Magdalena Rood and Leslie Moore, owners of the adjacent property to the south.
2. Email from John Bodek, BCNA Zoning Committee Chair, recommendation from BCNA Zoning Committee to BCNA Steering Committee to not oppose the request.
3. West Elevation of Proposed Design
4. SW Axon View of Current Design
5. SW Axon View of Proposed Design

Leslie Moore and Magdalena Rood  
1003 S. 2<sup>nd</sup> Street  
Austin, Texas 78704

4/10  
12

August 10, 2015

Mr. Ross Wilson  
Director of Community Development  
PSW  
Austin, TX 78704

Dear Ross,

This letter expresses our support for the PSW request for a variance from the development code for compatibility setback from our property at 909 S. 2<sup>nd</sup> Street, given PSW's agreement to not place the garbage dumpster for the planned condos in that location.

Sincerely,

  
Magdalena Rood

  
Leslie M. Moore

Mr. Wilson -

Thank you for attending BCNA's Zoning Committee meeting on 08/24/2015.

The ZC voted 5-0-0 (for-against-abstain) to not oppose your request as described in your application to Board of Adjustment, signed by Michael Padavic and dated 7/7/14.

This recommendation will be forwarded to the BCNA Steering Committee for their consideration.

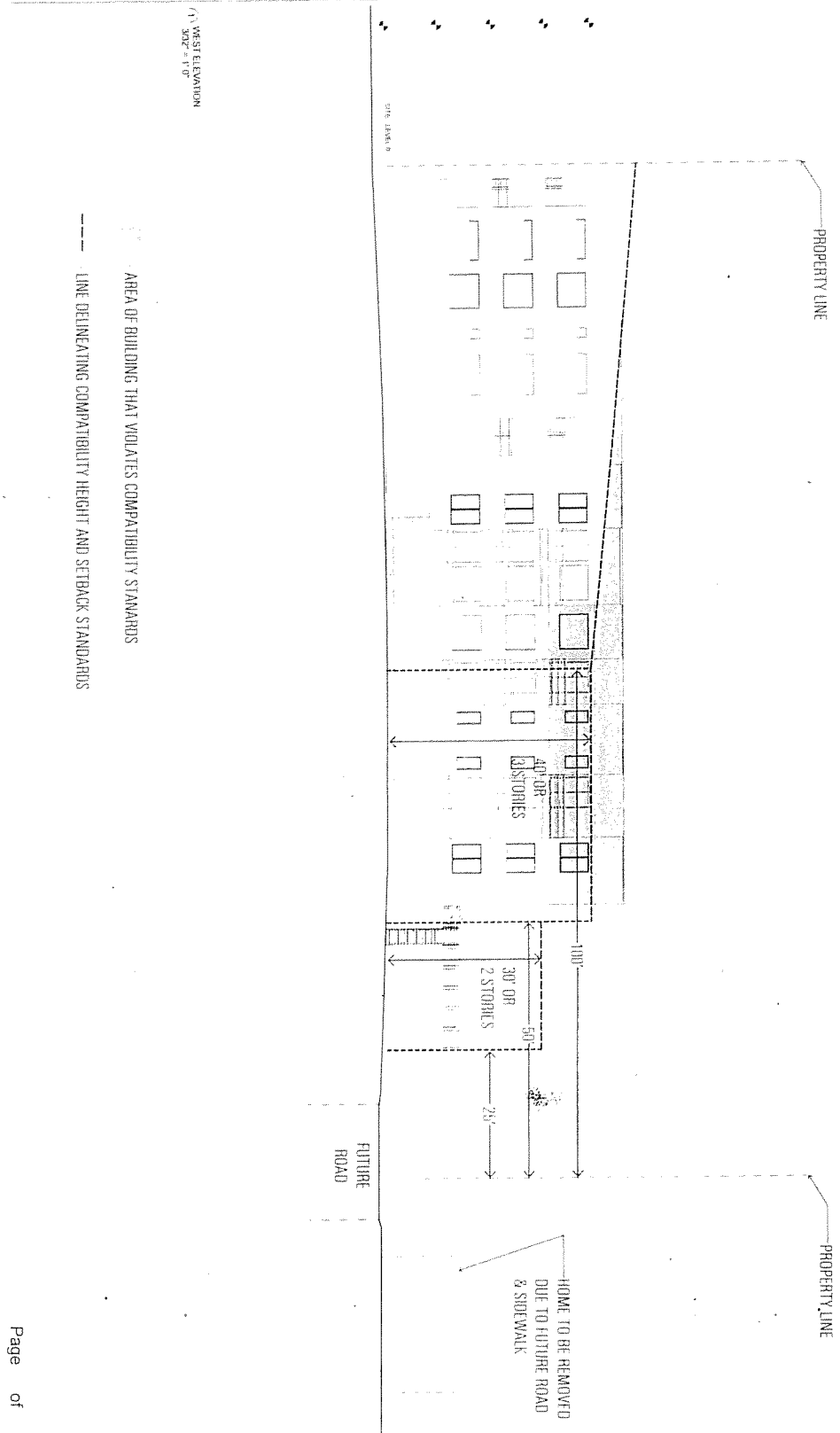
If I can be of any further assistance, please do not hesitate to contact me,

John Bodek  
BCNA Zoning Committee Chair  
bcna.zc@gmail.com

BOULDIN COURT NEIGHBORHOOD  
ASSOCIATION (BCNA) ZONING  
COMMITTEE RECOMMENDATION  
TO BCNA STEERING COMMITTEE  
TO NOT OPPOSE THE REQUEST.

4/0  
1/3

0714



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PROJECT NAME  
900

PSW PROJECT NUMBER  
1208.00

PROJECT ADDRESS  
900 S 1st Street Austin, Texas 78

08/31/15

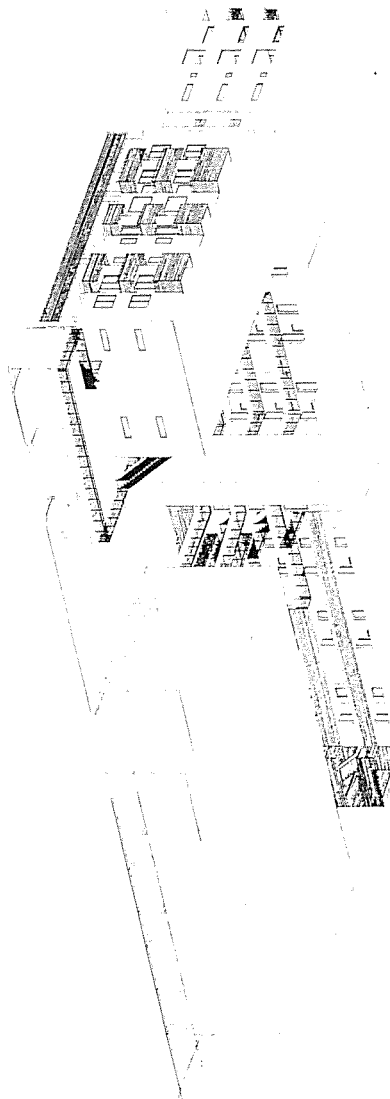
PSW HOMES LLC

2003 S 1st Street  
Austin, TX 78704  
512 328 3905  
www.pswrealestate.com

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## 1. SW AXON VIEW OF CURRENT DESIGN



Page of

PROJECT NAME  
900  
PSA PROJECT NUMBER  
1208.00  
PROJECT ADDRESS  
900 S 1st Street Austin, Texas 78704

08/31/15

PSW HOMES LLC



2003 S 1st Street  
Austin, TX 78704  
512 326 3905  
www.pswirealestate.com

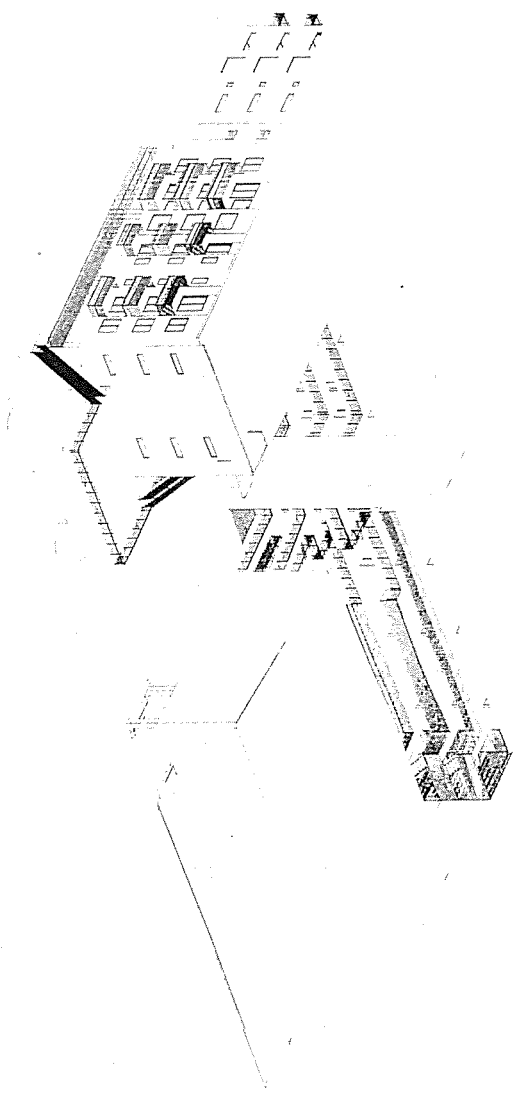
PSWIRE, LLC is an Equal Opportunity and Affirmative Action Employer. Any person who is harassed or discriminated against on the basis of race, sex, religion, age, or national origin, or other prohibited basis may file a complaint with the U.S. Equal Employment Opportunity Commission.

PSWIRE, LLC IS AN EQUAL OPPORTUNITY EMPLOYER

01/16

1 SW AXON VIEW OF PROPOSED DESIGN

AREA OF BUILDING THAT VIOLATES COMPATIBILITY STANDARDS



Page  
of

PROJECT NAME  
900  
PROJECT NUMBER  
1208.00  
PROJECT ADDRESS  
900 S 1st Street Austin Texas 78704

DATE  
08/31/15

PSW HOMES LLC  
2003 S 1st Street  
Austin TX 78704  
512 326 3905  
www.pswrealestate.com  
PSW HOMES LLC is an equal opportunity housing provider. Any person who is denied housing or other benefits on the basis of race, color, sex, religion, national origin, or marital status may file a complaint with the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 435 West 12th Street, Austin, Texas 78701.



## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices).

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

**Case Number: C15-2015-0131, 900 & 902 South 1<sup>st</sup> St, 901, 903 & 907 S. 2<sup>nd</sup> St.**

**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

**Public Hearing: Board of Adjustment, September 14th, 2015**

*Sarah Sullivan*

Your Name (please print)

614 S 1st St #218

Your address(es) affected by this application

*Sarah Sullivan*

Signature

Daytime Telephone:

Date

*Sept 7 2015*

Comments:

*I do not agree with the variance requests. This larger size subdivision will change the S. 1st St. walkability with looming buildings. More space around the buildings is needed. Thank you Sarah Sullivan*

**If you use this form to comment, it may be returned up until noon the day of the hearing to (comments received after noon may not be seen by the Board at this hearing):**

City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

*2/5*

